

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION

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U.S.D.C. - Atlanta

FEB 16 2021

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

WILLIAM CHRISTOPHER GIBBS  
Fannin Cty. #5150  
Plaintiff.

*VERSUS*

RYAN K. BUCHANAN, et. al.,  
Defendants.

REDDRESS PETITION  
CIVIL RIGHTS COMPLAINT

BIVENS ACTION  
28 U.S.C. § 1331

CIVIL ACTION NO.  
2:19-CV-00226-SCJ-JCF

OBJECTIONS TO REPORT AND RECOMMENDATIONS BY  
MAGISTRATE JUDGE

I, Plaintiff, William Christopher Gibbs, before this Court Pro Se, object categorically, in enumeration to the recommendations of dismissal, I object categorically, in earnest regard, and to simplify and refocus, and furthermore, ask to move your honor, to refocus, redress, and emend the wrongs on the record *United States v. Gibbs, No. 2:17-cr-5-AWS* (N.D. Ga. Sep. 21, 2018) and before this Court. I ask in prayer for your Courts Capacities to employ empathy, and emphasis on liberty and justice. I'm asking the Court to acknowledge the facts and truth of the situation, focus on the Constitution, its violations, and the bairful cause of distress, damages and ruin because, of failure to apply due process of Constitutional Rights in the claim set forth. In support of the above, Plaintiff sets forth the forgoing enumerated reasons in grounds of objection and supporting facts to show good cause why this action to redress should not be dismissed.

A. Ground One: As the initial matter, the Magistrate Judgment asserts, that a "Plaintiff cannot assert official-capacity claims under Bivens, nor can a Plaintiff maintain a claim against the United States." To this the Plaintiff objects with supporting facts in opposing argument: The Plaintiff believes all the Defendants necessary and their official-capacities Jurisdictional Authority necessary upon this action to provide redress; The United States of America, as a Judicial Incorporation has official-capacity of maintaining, storing and collecting and the authority over all its Official Record.; The United State Attn. General has official-capacity through Administrative Jurisdiction to redress and emend the United States Judicial Record.; The United States Attn. Prosecutor, official-capacity, authored and authorised the Indictment, *United States v. Gibbs*, No. 2:17-cr-5-RWS (N.D. Ga. Sept. 21, 2018); and Assistant United States Prosecutor, Ryan Buchanan, over prosecution, has official-capacity, obligations to have a correct and accurate record within the disposition and determination of fact of the case.

B. Ground Two: Secondly, the Magistrate Judgment asserts, ~~and~~ while the complaint for redress specifies in the heading of each claim that it is brought all Defendants, the complaint for redress does not identify what acts or omissions by each Defendant allegedly violated his Constitutional Rights. The Magistrate Judge further asserts, this is a form of complaint requesting redress, and "is a form of "shotgun pleading" that Courts in this Circuit" have "condemned repeatedly". To this the Plaintiff objects with supporting facts in opposing argument: In Claim (1) requesting redress

and emend the wrongs on the record. Plaintiff charged the USA as being the agency with ownership and control of Plaintiff's record; The Attn. Gen. of the US having Jurisdictional Administrative Authority to change the record; The U.S Attn. of being the Indictment Author; and Ryan Buchanan Assistant Prosecuting U.S. Attn, charged with moving forward and prosecuting the case. Clame(1) attempts to show forth its reason with good cause shown with substantial evidence to declare the record void. It comes before this court as a Prima facie case of liability, and in attempt to change its adamant conviction upon the Plaintiff it places without due-process. By the adamant autocratic permanence of its despotism its unconstitutional within its writ. The indictment without due process convicts Plaintiff for possession of ricin completely upon record, without fair opportunity to repel it. The indictment and case denies to the Plaintiff the protection of the laws and by such denial takes away the liberty of the Plaintiff without due-process, and denies the Plaintiff justice and the fundamentals of fairness. Unless the protecting clauses of the Fourth, Fifth, Sixth and Fourteenth amendments have become a mere rope of sand in no manner restraining this action, they compel the conclusion that this indictment and record transcends the power of the rights privileges and immunities of the Plaintiff, secured and protected by the Constitution and law of the United States, and therefore the Possession of Ricin upon record must be declared

void, stricken from all record, completely removed. United States v. Romano, 382 U.S. 136, 86 S.Ct. 279, 15 L.Ed.2d 210 (1965) ("It may be, of course, that Congress has the power to make presence of an illegal still a punishable crime, but we find no clear indication that it intended to so exercise this power." The "crime remains possession", not presence, and with all due deference to the judgment of Congress the former may not constitutionally be inferred from the latter.") This is a odorous problem upon the record from lack of due process, and furthermore it convicts the Plaintiff on the State level by its libel.

In Claim (2) request for compensation. Plaintiff charges all Defendants over having jurisdiction over the record, and jurisdiction to change that record. Believing the Court would infer the acts or omissions of the defendant by their capacities involved with the prosecution of the Indictment and case. Claim (2) is in request for compensation for violation of the fourth, fifth, sixth and eighth amendments in the sought prosecution of a case lacking crime, and probable cause to seize, arrest, detain and imprison Plaintiff, and his property in violation of protections of the fourth amendment clauses. The Prosecution of this case violated due process of the fifth amendment and without Judicial Determination convicted by Prima facie ~~the~~ liability charging and convicting the Plaintiff prominently upon record of possession of vein without due process to entitle the prosecution to such verdict. Depriving

Plaintiff of his life, liberty and property to this day without due process, and furthermore violating the right to trial, and to be accused of possession of Ricin before a record of commission, and conviction in violation of protecting clauses of the sixth ~~and~~ amendment requiring the right to repel and the ability to defend from any criminal accusation, last but not least the prosecution placed a motion of detainer upon the Plaintiff depriving Plaintiff of his right to bail and sought further the further prosecution of a case without no crime to prosecute and inflicted unusual punishments of pre-trial detainer and imprisonment without crime found, and under the fifth amendment clause of and right to just ~~comp~~ compensation Plaintiff seek amount for the damages and the release of all property and liberty without jurisdiction of the Federal Government to hold, Plaintiff seeks just compensation for all damages accruing from the 18 month prosecution that was without probable cause and crime.

Claim (3) request for redress also charges all Defendants over having jurisdiction over the record, and Jurisdiction to change that record. Believing the Court would infer the acts or omissions of the Defendants by their capacities involved in the prosecution and Indictment of a case. Claim (3) goes over the US Prosecutor Writing a indictment Pro forma accusation, before any evidence found the sufficient grounds necessary to charge the crime. The Prima facie of the indictment

made a conclusion that the Plaintiff was in possession of ricin as a fact, and made the allegation of crime having or not having the proper registration or licence to possess. In its attempt to prosecute, it became an attempted malicious prosecution when the evidence supporting its dismissal was not immediately taken into full consideration. The questions to impose upon are; at what point in time did he "Ryan Buchanan personally have a problem with me, because he stated the U.S.A never did and the U.S. never found no crime to charge." At what point in time did the factual points of the indictment lose their validity 18 months later. If it was never Ricin there was never probable cause for the indictment.; How do we know there was no probable cause.; Because 18 months later 'he' assured the U.S. there was none.; If there was no evidence to try, there was obviously no probable cause to search seizure arrest detain kidnap prosecute and imprison, and further mistreat the State for a subsequent attempted prosecution.; Saying it was factually Ricin on the indictment, but 18 months later was not true. The miscarriage of fact, saying it was one thing, 18 months later it wasn't.; The found evidence that the U.S. found no crime, that it wasn't ricin should acquit Plaintiff of the indictment's factual statement (possession of Ricin) description saying it was ricin. I don't matter if it was registered, or not. What matters is it was Ricin or it was not. Licence and Registration is nihil and void.; At what point in time did U.S. Assistant Prosecutor

Ryan Bachman learn that there was no crime to charge and acted individually within his official-capacity to proceed in an attempt to maliciously prosecute anyway. The record, no matter of acquittal, dismissal our guilt with its libelous writ the dismissal still cripples my life with a permanent handcuff for actual possession of ricin without conviction.

Claim(4) Plaintiff charges the all Defendants' over having Jurisdiction over the record, and Jurisdiction to change that false record. Believing the Court would be able to infer the acts or omissions of the Defendants' by their capacity involved in the prosecution and indictment of the case. Claim(4) requesting redress, further states how the libelous misperception, and miscreated application of laws disinformation ~~per~~ portrayed to be something it isn't has caused damages in its writ without due process. Incriminating and prosecuting the Plaintiff on a state level where possession of ricin is a crime under DCGA 16-7-86.

Claim(5) Plaintiff charges all Defendants' over having Jurisdiction over the record and Jurisdiction to change the false record. Claim(5) to the extent a lack of probable cause led to the search and seizure of plaintiff's property without ~~the~~ the necessary due-process to find crime.

Claim(6) Plaintiff charges all Defendants over having Jurisdiction over the record and Jurisdiction to change the false record. Claim(6) Plaintiff asserts that

because of the United States never finding crime to charge for a initiation of a prosecution, the United States lacked Jurisdiction over the plaintiff, and Plaintiff should have been immediately released when the Assistant Prosecutor Ryan Buchanan found there was no crime. From the time no crime was found up till the end of the attempted prosecution violated the Plaintiff's constitutional right to be free from cruel and unusual punishment. Up to this day the Plaintiff is still being punished and charged with Possession of, Ricin on the record unlawfully. As a matter of fact this wrongful arrest, suit and request has been filed against the United States for its lack of probable cause, arrest, indictment or detainment. Its ensuing adamant libelous indictments authorship, callously in elaboration claims to the Nation, State and locals that I was in possession of military grade ricin. A weapon of mass destruction. This imputes impropriety, forever attached a weapon of mass destruction to my person and in its records permanence still is causing cruel and unusual punishments today, it endangers Plaintiff with its attachment of the worlds most dangerous substance on the face of this earth. In suit for its libelous wrongful record and arrest in lack of evidence of crime. Plaintiff is seeking a inargumentive sum of five million eight hundred thousand dollars for compensatory damages from the AUSA US Assistant Prosecutor Ryan Buchanan acting individually within his official capacity's being the cause of the damages and need for redress upon the official record and the



United States Prosecutor, Pro Forma writ of the indictment although Plaintiff does not know what official wrote the indictment.

Claim(7) Plaintiff seeks damages from all Defendant over having jurisdiction over the record and jurisdiction to change the false record. Believing the Court would infer the acts or omissions of the Defendants by their capacities involved with the prosecution of the indictment and case. Claim(7) Plaintiff seeks damages from the initiation of attempted prosecution By the US Prosecutor and Assistant United States Prosecutor. Never finding any crime it was a attempted malicious prosecution to pursue prosecution in the first place. Prosecutors acted as individuals ~~as individuals~~ in there official-capacities knowing there was no crime to charge.

Claim(8) Plaintiff seeks some type of relief from all the Defendants over having jurisdiction over the wrong record, and jurisdiction to change the false merits of the record. Plaintiff believed it being this Courts record, that the Court would infer the acts or omissions of the Defendants by the participations of their capacities involved with the prosecution of the indictment and case. upon its own record. Claim(8) Plaintiff seeks relief from the false merits of the record and, its malicious libel ~~and~~ and inferences to be drawn therefrom, its libel by implication raising Possession of Ricin as a genuine fact issued in its record as a material fact of its merits. Because of this it has given ground

to the Prosecutors of the State utilizing the false record to prosecute Plaintiff on the grounds that I, by record was in possession of Ricin. Its misleading defamation has led to all news media outlets, and prosecutors of the State to mislabel Plaintiff as a terrorist by its misleading incorrect false merits upon the case record. Defamation like this has shown remarkable stamina in the teeth of centuries of acid ~~and~~ criticism; this meaning is defamatory because it tends to injure the reputations and expose them to public hatred, contempt and ridicule; defamatory publication in this case generally involved a matter of public concern. (Plaintiff being in actual possession of Ricin, a actual weapon of mass destruction); law defamation is a threshold requirement for which a publication of 'false' statement of fact to a third party. The fact must be defamatory (possession of Ricin) concerning the Plaintiff, and the publisher must make the statement with the requisite degree of ~~bad~~ fault. 16 2001

4159 State of Utah (for, as the woman said, she would never grieve to be told of her red nose if she had not one indeed.) The passage of the First Amendment to the United States Constitution did not intentionally diminish the use of criminal defamation statutes: Thus the Sedition Act of 1798 made unlawful writing, publishing or speaking anything "false, scandalous and malicious... against government... or the President... with intent to defame

or to bring them... into contempt or disrepute..." This improper act was not long in existence, but was never held unconstitutional. Further, it has ~~been~~ not been orthodox constitutional doctrine that the First Amendment was intended to bar criminal defamation, although some of our most eminent judges have believed it was. The primary substantive ~~the~~ reform by the American States was to modify the rule that truth was no defence. Most states... made truth a defence so long as the otherwise defamatory statement was uttered with good motives and for a justifiable end. In Plaintiff's case in issue, the end didn't serve the means and by all means of Possession of Ricin has ~~no~~ no end because of the record permanence. Its defamatory and its ~~total~~ fault lies upon the Government to change it, its injurious, dangerous and has led to a mass publication gigantic proportions it has labeled plaintiff many things and has entitled the State ~~to~~ to utilize its mispublications to label plaintiff a terrorist and furthermore Possession of Ricin is a crime under OCGA 16-7-86 and without due process convicts the plaintiff by its Prima facie upon federal record.

C. Ground Three: Thirdly, the Magistrate Judge asserts that this complaint for request of redress should be ~~condemned~~ condemned and dismissed. To this the Plaintiff objects. Your Honor there is ~~just~~ genuine issue here

before your Court, all problems stemming from the false record and its ~~unjust~~ unconstitutional primary face ~~misleading~~, defaming and damaging the Plaintiff future by misleading all read it and its ~~misappropriation~~ misappropriation of the honest facts. To correct one would be to correct the whole. Plaintiff brings this action before your Court today to fully pardon him from the false record.

D. Ground Four: Magistrate Judgment asserts that claims within the complaint requesting the government to redress could liberally be construed to raise a claim for malicious prosecution against AUSA Buchanan related to Plaintiff's criminal proceedings in Case No. 2:17-cr-5-RWS, prosecutors are entitled to absolute immunity from damages for acts or omissions associated with judicial process, ~~and~~ which includes the initiation of prosecution. To this the plaintiff objects to the point that at what point in time did the prosecutor know there was no crime or jurisdiction over the ~~Plaintiff~~ Plaintiff to prosecute. When did the usual proceeds of prosecution turn into malicious prosecution and when did AUSA Buchanan know there was no grounds to prosecute but attempted to maliciously prosecute Plaintiff anyway. If there is no such thing as attempted malicious prosecution why does the word exist judicially and if it isn't a action in which civil law had jurisdiction to sufficiently clear such acts

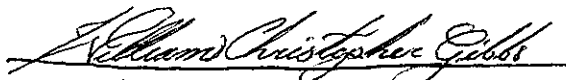
is that to say these Courts condone and promote it with immunity.

E. Ground Five? The Magistrate Judge asserts; to the extent that Plaintiff's claims regarding the failure to return unspecified property could be construed to alleged violations of his procedural due process rights, these claims are vague, conclusory, and fail to state a claim. To this the Plaintiff objects. The Plaintiff went all his property that the United States never had jurisdiction and probable cause to search or seize in the first place or turn over to the state for subsequent prosecution of the same case.

WHEREFORE Plaintiff prays the Court amend record and fix its record within its jurisdiction and take into consideration that the Plaintiff isn't a lawyer the Plaintiff doesn't speak Latin, Litigation Law, Plaintiff just speaks American and while some claims may be misproportioned there is a genuine problem within the record before your court today. The Plaintiff ask for leniency and be given all the longitude and latitude he can. Understand the Plaintiff has no other choice, but has to try to get the record corrected and get the handcuff that cripples my future corrected. It's not about saving your honor although damages are severe and Plaintiff worries about future employment because of the false record and its handcuffs upon him. I believe if the

Courts will look they will see the United States is not entitled to convict the Plaintiff with Possession of Ricin without due process and understand ~~that~~ that all other issues stem from that very problem. That ~~the~~ Plaintiff should be given the Justice to have it corrected and the estimation of damages ~~to be~~ taken into consideration before this court and the unjust handicap placed on Plaintiff because of the record removed and the Plaintiff exonerated fully from Possession of Ricin.

Respectfully submitted this 11<sup>th</sup> day of February, 2021.



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